IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1273 OF 2005

Smt.Jasmine Bibi Kayam Mulla ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Paul A. Kalambukadan, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

1st March 2005

P.C.:

. Heard Counsel for the parties. It was argued that the Applicant is a female and has responsibility of two minor children. This submission, however, does not impress me for the nature of offence for which the Applicant has been arrested. The Applicant is tried for offence punishable under sections 343, 366, 366-A and 120-B of the Indian Penal Code. The

application of the co-accused has been rejected by this Court on 8th February 2005. For the same reasons, even the application of the present Applicant deserves to be dismissed. Merely because the Applicant is a female, that by itself can be no ground for releasing the Applicant, especially when she is engaged in serious offence and there is direct material to indicate the complicity of the Applicant in the commission of the crime. The fact that the Applicant had brought the girl, who was purportedly major, will make no difference, because the Applicant is being charged along with the co-accused on the charge of conspiracy, who were involved in bringing a minor girl and confining her to perform an activity, which is an offence under section 366-A. In the circumstances, this application is dismissed.

. As bail application is rejected and the Principal Judge, Sessions Court for Greater Mumbai is already directed to assign the case to Fast Track Court, the only further direction that requires to be passed is to direct the concerned Court to whom the case will be assigned to

dispose of the same as expeditiously as possible, preferably within three months from the date of assignment of trial to that Court. The Principal Judge, Sessions Court, Greater Mumbai, shall assign the case to Fast Track Court as early as possible preferably within 15 days from the date of receipt of writ of this Court.

. In the event the trial Court is of the view that the Applicant is responsible for delaying the trial in any manner, that opinion be recorded in the roznama, which can be taken into account as and when occasion arises.

(A.M.KHANWILKAR,J.)